

October 31, 2005

Ladies and Gentlemen

I am submitting these comments in connection with Release 33-8618 which allows for an extension of time for non-accelerated companies to become compliant with Section 404. The Company I work for is currently a non-accelerated filer with a market capitalization of approximately \$62 million. While I support Section 404 and believe that the benefits of Section 404 outweigh the costs, I am asking the Commission to alter the measurement date at which a Company becomes an accelerated filer. It is my understanding that Release Number 33-8618 extended the compliance date for non-accelerated companies such as ours until the fiscal year ending December 31, 2007. However, the release left the measurement date at determining whether a company was accelerated or not at June 30. This means that a Company such as ours will not know for certain whether we need to be in compliance with Section 404 for our 2006 year-end until June 30, 2006. Even a small increase in our stock price will increase our market cap beyond \$75 million. While we believe that we have allocated the necessary resources to become compliant, the amount of detail testing of the underlying documentation will be altered depending on whether we need to become fully compliant at December 31, 2006 or 2007. Despite not currently being an accelerated filer, we are accelerating our compliance efforts due to not knowing whether we will become an accelerated filer in 2006 or not. If we would know at the beginning of the year whether we have until December 31, 2007 to become compliant, we could potentially use more internal resources and save our Company and its shareholders money.

I recommend that the June 30 market capitalization measurement date be changed to be what the stock price is on the last business day of the prior fiscal year. For example, a measurement date for a calendar company for their 12/31/06 year-end would be December 30, 2005 instead of June 30, 2006 thereby giving them a full twelve months to become compliant.

I appreciate the opportunity to comment upon such an important matter. I can be reached at 402-453-4444 if you would like to discuss these recommendations in further detail.

Sincerely,

Kevin Herrmann
Controller
Ballantyne of Omaha, Inc.